



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ORIGINAL FILED WITH CLERK

CHAMBERS OF  
JEROME B. SIMANDLE  
CHIEF JUDGE

November 7, 2013

UNITED STATES COURTHOUSE  
ONE JOHN F. GERRY PLAZA  
P.O. BOX 2797  
CAMDEN, NJ 08101  
(856) 757-5167

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United States Attorney's Office  
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40 Wall Street, 11th Floor  
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Randy L. Shapiro  
Global Media Counsel  
Bloomberg, L.P.  
731 Lexington Avenue  
New York, NY 10022

Re: United States v. Drinkman, et al.; 09-cr-626  
(Dmitriy Smilianets, Defendant)

Dear Counsel:

I have received two letters, attached, dated August 23, 2013 and October 29, 2013, on behalf of Bloomberg News, which is represented by Ms. Randy L. Shapiro. Bloomberg News seeks to have the Court unseal all the filings in the action, and not just the partially-redacted Indictment that was released on July 26, 2013.

I am writing to direct the United States Attorney to show cause why the remaining filings should not be unsealed. The United States' submission will be due November 15, 2013. If there is no objection, the United States shall so advise.

Bloomberg may submit a reply to the United States' submission if it chooses to do so by November 25, 2013.

I will consider this request at the status conference presently scheduled for Monday, December 2, 2013 at 10:00 A.M. before the undersigned in Courtroom 4A in the United States Courthouse in Camden. The Court would permit Ms. Shapiro to participate by telephone upon the record, if she indicates that she chooses to do so.

Very truly yours,

A handwritten signature in cursive script that reads "Jerome B. Simandle".

JEROME B. SIMANDLE  
Chief U.S. District Judge

JBS/mm

Encs.

# Bloomberg

Bloomberg L.P. 731 Lexington Ave Tel +1 212 318 2000  
New York, NY 10022  
bloomberg.com

Aug. 23, 2013

Chief Judge Jerome B. Simandle  
United States District Court  
Mitchell H. Cohen Courthouse  
1 John S. Gerry Plaza  
Camden, NJ 08101

Re: U.S. v. Drinkman, 09-cr-626

Dear Judge Simandle:

I am writing to Your Honor on behalf of Bloomberg News, an accredited and global newsgathering organization whose reporter, David Voreacos, has covered the proceedings in the above-referenced action (the "Action"). I write respectfully to request that the filings in the Action be unsealed.

On July 26, 2013, U.S. Attorney Paul Fishman and the U.S. Department of Justice released modestly-redacted copies of the indictment against five defendants in the Action. See <http://www.justice.gov/usao/nj/Press/files/Drinkman,%20Vladimir%20et%20al.%20Indictment%20News%20Release.html>, and <http://www.justice.gov/opa/pr/2013/July/13-crm-842.html>. However, according to PACER, all of the Court filings in the Action, including the indictment released by the government, remain sealed. (The only exception concerns proceedings in Dmitriy Smilianets, 12-mj-3043.)

Under the First Amendment, the public enjoys a presumptive right of access to criminal proceedings. *See, e.g., Press-Enterprise Co. v. Superior Court of California*, 464 U.S. 501 (1984) ("*Press-Enterprise I*") (voir dire of potential jurors); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986) ("*Press-Enterprise II*") (transcripts of a preliminary hearing in a criminal murder trial). Similarly, the Third Circuit has recognized the presumptive right of access to pre-trial court filings in criminal cases. *See, e.g., United States v. Smith*, 776 F.2d 1104 (3d Cir. 1985) (presumption applied, but was overcome, with respect to bill of particulars supporting an indictment). Given that, and in light of the government's publication of the indictment, we respectfully request that all of the filings in the action be unsealed.

Chief Judge Jerome B. Simandle  
August 23, 2013  
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If the Court has any questions or requires any additional information, I can be reached at (212) 617-0814. We appreciate the Court's consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy L. Shapiro", written in a cursive style.

Randy L. Shapiro  
Global Media Counsel

# Bloomberg

October 29, 2013

**BY OVERNIGHT COURIER**

Chief Judge Jerome B. Simandle  
United States District Court  
Mitchell H. Cohen Courthouse  
1 John S. Gerry Plaza  
Camden, NJ 08101

RECEIVED

OCT 30 2013

JEROME B. SIMANDLE  
U.S. DISTRICT JUDGE

Re: U.S. v. Drinkman, 09-cr-626

Dear Judge Simandle:

I am writing to follow up on my August 23<sup>rd</sup> letter to the Court, which set forth Bloomberg News's request that the filings in the above-referenced action be unsealed. For ease of reference, I am enclosing a copy of my original letter and would welcome the opportunity to answer any questions the Court may have so that our request may be fully considered. I can be reached at (212) 617-0814.

Respectfully submitted,



Randy L. Shapiro  
Global Media Counsel